

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

NEIL WOODS,

CASE NO. 03 Civ. 011 (TPG)

Plaintiff,

against

KARL GOODYEAR, INNOVATIONS OF ROCKLAND, INC., GLORIA
HANNA, LEROY ANDREW, SR., and ANGELA BAKER,

Defendants.

Barton, Barton & Plotkin, LLP

420 Lexington Avenue

New York, New York

October 3, 2005

11:30 a.m.

EXAMINATION BEFORE TRIAL of ANGELA BAKER,
a Defendant herein, taken by the Plaintiff,
according to the Federal Rules of Civil Procedure,
before Thomas A. Fernicola, a Notary Public for and
within the State of New York.

ALL-STAR REPORTERS, INC. * 800.329.9222

3

ALL-STAR REPORTERS, INC. * 800.329.9222

APPEARANCES:

BARTON, BARTON & PLOTKIN, LLP

Attorneys for the Plaintiff

420 Lexington Avenue

New York, New York 10170

212-687-6262

By: THOMAS P. GIUFFRA, ESQ.

ACITO, KLEIN & CONDILEROS

Attorneys for the Defendants

KARL GOODYEAR, INNOVATIONS OF ROCKLAND, INC.

535 Fifth Avenue

New York, New York 10017

By: RICHARD C. ERTEL, ESQ.

LEAHEY & JOHNSON, P.C.

Attorneys for the Defendant

GLORIA HANNA

120 Wall Street

New York, New York 10005

212-269-7308

By: MICHAEL DEMPSEY, ESQ.

WILSON, BAVE, CONBOY, COZZA & COVZENS, P.C.

Attorneys for the Defendant

ANGELA BAKER

Two William Street

White Plains, New York 10605

By: ROBERT J. GIRONDA, ESQ.

ALL-STAR REPORTERS, INC. * 800.329.9222

STIPULATIONS

IT IS HEREBY STIPULATED AND AGREED by and
between the attorneys for the respective parties herein
that this examination may be sworn to before any Notary
Public.

IT IS FURTHER STIPULATED AND AGREED that the
filing and certification of the said examination shall
be waived.

IT IS FURTHER STIPULATED AND AGREED that all
objections to questions, except as to the form of the
question, shall be reserved for the time of trial.

ALL-STAR REPORTERS, INC. * 800.329.9222

4

<p style="text-align: right;">21</p> <p>1 Angela Marie Baker</p> <p>2 who fled the scene?</p> <p>3 A No.</p> <p>4 Q Did you sustain any</p> <p>5 injuries as a result of this</p> <p>6 occurrence?</p> <p>7 MR. GIRONDA: Just note my</p> <p>8 objection.</p> <p>9 You can answer, though. Go</p> <p>10 ahead.</p> <p>11 THE WITNESS: I'm sorry,</p> <p>12 can I answer that?</p> <p>13 MR. GIRONDA: Yes.</p> <p>14 A No, I did not sustain any</p> <p>15 physical injuries.</p> <p>16 Q Can you tell me what the</p> <p>17 weather conditions were like?</p> <p>18 A Clear.</p> <p>19 Q Was it dry?</p> <p>20 A To my best recollection.</p> <p>21 Q What time of day did the</p> <p>22 accident occur?</p> <p>23 A Around 8:00 in the morning.</p> <p>24 Q Can you estimate your rate</p> <p>25 of speed at the time of the impact?</p>	<p style="text-align: right;">23</p> <p>1 Angela Marie Baker</p> <p>2 MR. GIRONDA: We're not</p> <p>3 done yet. The other lawyers may</p> <p>4 have a chance to ask you</p> <p>5 something, Angela, and then I</p> <p>6 will, if need be, okay?</p> <p>7 THE WITNESS: Okay.</p> <p>8 BY MR. ERTEL:</p> <p>9 Q Angela, this is</p> <p>10 Richard Ertel. I'm just going to ask</p> <p>11 you a few follow-up questions.</p> <p>12 Did you observe the</p> <p>13 accident that occurred in front of</p> <p>14 you?</p> <p>15 A You mean driver three</p> <p>16 hitting driver two?</p> <p>17 Q Yes. Did you observe that?</p> <p>18 A Yes.</p> <p>19 Q And what part of their cars</p> <p>20 hit?</p> <p>21 A I know that he hit her in</p> <p>22 the rear and it was towards -- he</p> <p>23 turned as well towards the left, but</p> <p>24 I didn't see specifically what the</p> <p>25 damage was in the -- in front of his</p>
<p style="text-align: right;">22</p> <p>1 Angela Marie Baker</p> <p>2 A I don't want to estimate.</p> <p>3 All I can say I was going with</p> <p>4 traffic. It was rush hour, so</p> <p>5 traffic was moving all together.</p> <p>6 Q Did you file a report with</p> <p>7 the police department regarding this</p> <p>8 accident?</p> <p>9 A File a report? No.</p> <p>10 Q Did you file any paperwork</p> <p>11 with Albany, with the Department of</p> <p>12 Motor Vehicles, regarding this</p> <p>13 accident?</p> <p>14 A No.</p> <p>15 Q Did you speak with the</p> <p>16 second driver who was involved in the</p> <p>17 collision?</p> <p>18 A I don't remember speaking</p> <p>19 with her. I know that she was</p> <p>20 injured, but I don't remember the</p> <p>21 conversation with her.</p> <p>22 MR. GIUFFRA: Okay. I have</p> <p>23 nothing further. Thank you.</p> <p>24 THE WITNESS: You're</p> <p>25 welcome.</p>	<p style="text-align: right;">24</p> <p>1 Angela Marie Baker</p> <p>2 car.</p> <p>3 Q But which driver was</p> <p>4 driving? Can you describe it in</p> <p>5 terms of the vehicle number two and</p> <p>6 three?</p> <p>7 A I saw vehicle three hit</p> <p>8 vehicle number two in the rear.</p> <p>9 Q So it was the front end of</p> <p>10 vehicle three that hit the rear end</p> <p>11 of vehicle two?</p> <p>12 A Correct.</p> <p>13 Q And you tried to avoid this</p> <p>14 accident?</p> <p>15 A Yes.</p> <p>16 Q And by trying to avoid it,</p> <p>17 you turned to the left?</p> <p>18 A Yes.</p> <p>19 Q Now, which car did you</p> <p>20 strike?</p> <p>21 A I struck number three.</p> <p>22 Q What part of your car</p> <p>23 impacted with what part of car</p> <p>24 number three?</p> <p>25 A My right side hit his rear</p>